

REMARKS

The Office Action dated August 12, 2008 has been received and considered. In this response, claims 1-7, and 46 have been amended. Claims 59-66 have been added. Support for the amendments and new claims may be found in the specification and drawings as originally filed. Claims 14 and 58 have been cancelled without prejudice or disclaimer. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Anticipation Rejection of Claims 1-10, 13, 14, 46-54, 57, and 58

At page 3 of the Office Action, claims 1-10, 13, 14, 46-54, 57, and 58 are rejected under 35 U.S.C. § 102(e) as being anticipated by Okamoto (U.S. Patent No. 7,280,566).

Claim 1 has been amended to recite “selecting a first protocol from a plurality of available protocols; processing a first packet of the first data stream based on the first test protocol to determine a first processed result; and in response to determining the first processed result matches an expected result, parsing a second packet of the first data stream based on the first protocol.” These elements are not disclosed by Okamoto. In particular, Okamoto does not disclose selecting a first protocol from a plurality of available protocols, processing a first packet based on a selected first protocol and parsing a second packet **if the processed first packet matches an expected result**, as provided in claim 1. Instead, Okamoto discloses determining a protocol associated with an data stream **based on a header of the data stream**. *Okamoto*, col. 23, lines 29-36. Accordingly, Okamoto fails to disclose at least one element of claim 1.

With respect to claim 46, the claim recites a microcode engine configured to “select a first protocol from a plurality of available protocols; process a first packet of the first data stream based on the first test protocol to determine a first processed result; and in response to determining the first processed result matches an expected result, parse a second packet of the first data stream based on the first protocol.” For reasons similar to those set forth above with respect to claim 1, Okamoto does not disclose at least these elements of claim 46.

Claims 2-10 and 13 depend from claim 1. Claims 47-54 and 57 depend from claim 46. Accordingly, Okamoto fails to disclose at least one element of these dependent claims, at least by virtue of their respective dependence on claim 1. In addition, these dependent claims recite additional novel elements.

Claims 14 and 58 have been cancelled without prejudice or disclaimer.

In view of the foregoing, withdrawal of the anticipation rejection of claims 1-10, 13, 14, 46-54, 57, and 58 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 11, 12, 55 and 56

At page 5 of the Office Action, claims 11, 12, 55 and 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okamoto in view of the Official Notice.

Claims 11 and 12 depend from claim 1, while claims 55 and 56 depend from claim 46. As explained above, Okamoto does not disclose or suggest at least one element of each of claims 1 and 46. Further, the Official Notice taken by the Office does not remedy the deficiencies of Okamoto. Accordingly, the cited art does not disclose or suggest at least one element of these dependent claims, at least by virtue of their respective dependence on claims 1 and 46. Further, these dependent claims recite additional novel elements.

For example, claim 11 recites “wherein the set of descriptors further includes elementary stream information and closed captioning information.” The Office Action acknowledges at page 5 that these elements are not disclosed by Okamoto, but takes Official Notice that “elementary stream information and closed captioning information are types of information that can be extracted from packets and used to help process a media stream.” Applicant respectfully disagrees that it was well known in the art at the time the application was filed to determine a set of descriptors of a multimedia data stream based on both elementary stream information and closed captioning information, and request the Office provide a reference disclosing these elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 11, 12, 55 and 56 and reconsideration of the claims is respectfully requested.

New Claims 59-66

Claims 59-66 have been added. Claims 59-62 depend from claim 1, while claims 63-66 depend from claim 46. As explained above, the cited art does not disclose or suggest at least one element of each of claims 1 and 46. Accordingly, the cited art does not disclose or suggest at least one element of claims 59-66, at least by virtue of their respective dependence on claims 1 and 46. Further, claims 59-66 recite additional novel elements. Accordingly, consideration and allowance of claims 59-66 is respectfully requested.

Conclusion

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicant believes no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 01-0365.

Respectfully submitted,

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